



OFFICE of the ATTORNEY GENERAL
GREG ABBOTT

January 16, 2003

Mr. Brad Norton
Assistant City Attorney
City of Austin
P. O. Box 1546
Austin, Texas 78767-1546

OR2003-0352

Dear Mr. Norton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 175194.

The City of Austin (the "city") received a written request for the telephone numbers "where calls were made from" on several specific dates that resulted in police officers being dispatched to the requestor's address. You contend that the requested information is excepted from required disclosure pursuant to section 552.101 and 552.108 of the Government Code.¹

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 261.201(a)(1) of the Family Code makes confidential "a report of alleged or suspected abuse or neglect [of a child] made under this chapter *and the identity of the person making the report*." (Emphasis added.) You explain, and the records you submitted to this office reflect, that the subject telephone calls were made to 911 to report suspected child abuse. Because the release of the requested telephone numbers could be used to identify the individuals making the reports, we conclude that the requested telephone numbers are made confidential under section 261.201(a)(1) of the Family Code and thus must be withheld from the public pursuant to section 552.101 of the Government Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the

¹Because we resolve your request under section 552.101, we need not address the applicability of section 552.108.

governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

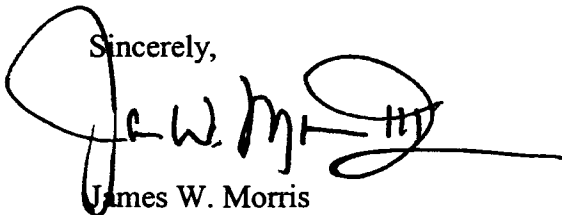
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "J W Morris", with a large, stylized flourish extending from the end of the signature.

James W. Morris
Assistant Attorney General
Open Records Division

JWM/RWP/lmt

Ref: ID# 175194

Enc: Submitted documents

c: Ms. Mary K. Cornelius
6809-B Wentworth Drive
Austin, Texas 78724
(w/o enclosures)